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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,102	08/31/2000	Richard Prentiss Jensen	40288/DWR/D453	5674

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EXAMINER

LE, DEBBIE M

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 07/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/654,102

Applicant(s)

JENSEN ET AL.

Examiner

DEBBIE M LE

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubstein et al (US Publication Number :US 2003/0061566 A1) in view of Ogilvie et al (US Patent 6,324,569 B1).

As per claim 1, Rubstein teaches

creating a single output file (e-mail, see section [0005]) ;

copying executable code to the output file (see section [0007],.);

writing destination information to the output file to designate the destination directory of the executable file (see section [0010];

writing plural blocks of data to the output file, each block containing identification information and corresponding data (see section [0039], [0057] [0058]);

writing auto-start file information to the output file to designate a file to be opened when the output file is executed, if an auto-start file is specified by an author (see section [0038], [0010]).

Rubstein does not explicitly teach writing a block containing a clean-up program to the output file if the destination information corresponds to a temporary file. However, Ogilvie teaches writing a block containing a clean-up program to the output file if the destination information corresponds to a temporary file (col. 5, lines 6-67, col. 6). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rubstein with Ogilvie to implement the step of writing a block containing a clean-up program to the output file if the destination information corresponds to a temporary file in order to dispose burden off the shoulders of the recipient (col. 2, lines 39-46).

As per claim 2, Ogilvie teaches writing plural blocks comprises writing the corresponding data in a compressed format (col. 5, lines 10-12).

As per claim 3, Ogilvie teaches writing the blocks comprises writing a block start flag for each block (col. 5, lines 27-30).

As per claim 4, Ogilvie teaches including receiving user input to identify the destination directory (col. 7, lines 12-22).

As per claim 5, Rubstein teaches writing a source-identifying block to the output file to indicate the source of the file (see section [0013]).

As per claim 6, Rubstein teaches running the executable code to identify one of the blocks (see section [0009] [0010]);

processing identification information contained in the block to determine the contents of the block; reading the data in the block and creating a corresponding directory if the block is a destination directory block (see section [0011], [0012] , [0013]);

saving the information in the block if the information contains auto-start path information (see section [0038]).

Rubstein does not teach decompressing the data in the block and writing the decompressed data to an appropriate directory if the block is a compressed file block. However, Ogilvie teaches decompressing the data in the block (col. 16, lines 8-15) and writing the decompressed data to an appropriate directory if the block is a compressed file block (15-17). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rubstein with Ogilvie to implement the step of decompressing the data and writing the decompressed data to an appropriate directory because without the decompression function, the data is useless to a user. It does not provide the function of displaying the message

Rubstein does not explicitly teach writing the data in the block to a temporary directory if the block contains a clean-up program. However, Ogilvie teaches writing the data in the block to a temporary directory if the block contains a clean-up program (col. 5, lines 6-67, col. 6, col. 15, lines 51-67, col. 16, lines 1-8). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rubstein with Ogilvie to implement the step of writing the data in the

block to a temporary directory if the block contains a clean-up program in order to dispose burden off the shoulders of the recipient (col. 2, lines 39-46).

As per claim 7, beginning a display of data at a preselected position, determining a current position of the display, comparing the determined position with a set of event data for the respective digital assets, displaying one of the digital assets based on the comparison of the position with the event data (col. 7, lines 52-64, col. 8, lines 12-19); calculating a timeout based on the determined position and the event data, setting a clock to fire upon reaching the timeout; initiating a polling process when the clock fires to determine the position of the display; displaying a different digital asset based on a comparison of the determined position with the event data; and calculating a new timeout and resetting the clock to fire upon reaching the new timeout (col. 11, lines 34-67).

As per claims 8-9, Ogilvie teaches determining whether the data corresponds to temporary directory, and creating an entry to execute the clean-up program if the data corresponds to a temporary directory, determining whether the clean-up program is needed, and writing the clean-up program to the temporary directory only if it is needed (col. 5, lines 6-67, col. 6, col. 15, lines 51-67, col. 16, lines 1-8).

As per claim 10. Ogilvie teaches determining after the blocks have been written to the appropriate destinations, if an auto-start file is specified, and opening the auto-start file if it is specified (col. 16, lines 8-20).

As per claim 11, Rubstein teaches processing a source-identifying block to verify the source of the executable file (see section [0013]).

Claim 12 is rejected by the same rationale as state in claim 6 arguments.

Claims 13-14 have similar limitations as claims 8-9; therefore, they are rejected by the subject matter.

Claims 15-16 have similar limitations as claims 10-11; therefore, they are rejected by the subject matter.

Conclusion

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose phone number is (703) 305-9601 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M LE whose telephone number is 703-308-6409. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 703-305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Debbie Le
July 9, 2003

DEBBIE M LE
Examiner
Art Unit 2177



GRETA ROBINSON
PRIMARY EXAMINER